



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AAS:ICR
F. #2015R01787

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 24, 2017

By FedEx and ECF

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Eleven Times Square
New York, NY 10036

Re: United States v. Dan Zhong and Landong Wang
Criminal Docket No. 16-614 (DLI)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced matter, some of which has been designated “Sensitive Discovery Material” under the terms of the Protective Order dated February 22, 2017 (Dkt. No. 37) (the “February 22 Order”). This disclosure supplements the government’s earlier disclosures under cover of letters dated February 15, May 22, May 24, June 12, July 12, July 24, and August 30, 2017. The government renews its request for reciprocal discovery from the defendant.

As an initial matter, the government provides the following responses to the defendant’s discovery request dated September 22, 2017.

- In response to your request, the government will be producing on a rolling basis additional visa applications for Chinese citizens brought to the United States by the defendant and his coconspirators as employees of the Construction Business.
- You requested that the government’s filter team produce in native format all of the emails the defendant sent or received that were obtained from searches of email accounts other than the defendant’s email account. The government filter team has already produced in native form the results of a search warrant of the defendant’s own email

account. Thus, defense counsel presumably already has the vast majority of these emails duplicated in native form. The government is willing, however, to assist defense counsel by re-producing the defendant's emails obtained from searches of other email accounts in load file format with attendant metadata consistent with the government prosecution team's enclosed production of electronically stored information, discussed below. The government filter team will make that production shortly.

- As for the defendant's requests for disclosure of communications between the Department of Justice and the Department of State, as well as for copies of the preservation requests sent to Microsoft, there is no legal justification for the defendant's requests and the government will not provide them. Should such communications constitute material subject to 18 U.S.C. § 3500 or Fed. R. Crim. P. 26.2 for government witnesses, or contain information otherwise discoverable under Rule 16, Brady or Giglio, or other authority, the government will make disclosures in compliance with its discovery obligations at the appropriate time.

The government will respond to other specific document requests and clarifications under separate cover.

Enclosed is a disc containing electronically stored information ("ESI") obtained by the government pursuant to search warrants, which has been designated "Sensitive Discovery Material" under the February 22 Order. (ESI00000001-ESI000003911). As the government has previously indicated, the government's review of ESI obtained pursuant to search warrants is ongoing. The government anticipates producing additional ESI to the defendant on a rolling basis as the prosecution team reviews additional ESI provided by the filter team and is able to review foreign-language ESI with the assistance of language specialists.

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Very truly yours,

BRIDGET M. ROHDE
Acting United States Attorney

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Enclosures (ESI00000001-ESI000003911)

cc: Clerk of the Court (DLI) (by ECF) (without enclosures)